



Docket No.: 204060US0PCT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

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TC 1700

OBLON  
SPIVAK  
McCLELLAND  
MAIER  
&  
NEUSTADT  
P.C.

ATTORNEYS AT LAW

RE: Application Serial No.: 09/763,864  
Applicants: Masahide SATO, et al.  
Filing Date: May 23, 2001  
For: METHOD OF MAKING FERMENTATION  
PRODUCT  
Group Art Unit: 1761  
Examiner: Curtis Sherrer

SIR:

Attached hereto for filing are the following papers:

**Election & Response to Election of Species/Lack of Unity Requirement**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon

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DOCKET NO: 204060US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
MASAHIDE SATO, ET AL. : EXAMINER: CURTIS SHERRER  
SERIAL NO: 09/763,864 :  
FILED: MAY 23, 2001 : GROUP ART UNIT: 1761  
FOR: METHOD OF MAKING :  
FERMENTATION PRODUCT :

ELECTION & RESPONSE TO ELECTION OF SPECIES/LACK OF UNITY  
REQUIREMENT

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In response to the Lack of Unity/Election of Species Requirement mailed September 8, 2003, the Applicants elect with traverse the following species:

carrier: chitosan  
final product: malt alcoholic beverage  
bioreactor: fluidized bed.

The traverse is on the basis that the Office has not established that the claimed methods and products lack unity of invention and are not so linked as to form a single inventive concept. Moreover, the Applicants respectfully submit that no undue burden would be imposed on the Office in the examination of the different species together.

In the event that the requirement is maintained, the Applicants understand that upon an indication of allowability for a generic claim that claims to additional species which are written in dependent form or otherwise include the limitations of the allowed generic claim will be examined.

Application No. 09/763,864

Reply to Office Action of September 8, 2003

Accordingly, the Applicants respectfully request that the lack of unity/election of species requirement be withdrawn and all the claims be examined together.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

A handwritten signature in dark ink, appearing to read "Norman F. Oblon", written over a horizontal line.

Norman F. Oblon  
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